

Prior charges not released.

Time extended for paying.

Proviso. Limitation.

"That nothing herein shall be construed to modify or release any charge that may have accrued prior to the year 1922 and as to any unpaid amounts due for the years 1920 and 1921, the Secretary of the Interior, in his discretion, is hereby authorized to grant an extension of time within which such payments may be made for such time and upon such terms, including interest charges, as he may determine and under such rules and regulations as he may prescribe: *Provided*, That no extension for the payment of any amount so due for the years 1920 and 1921 shall in any event be extended beyond January 1, 1925."

Approved, May 25, 1922.

May 26, 1922.
[H. R. 2193.]

[Public, No. 227.]

CHAP. 202.—An Act To amend the Act entitled "An Act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909, as amended.

Narcotic Drugs Import and Export Act. Vol. 35, p. 614. Vol. 38, p. 275, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 1 and 2 of the Act entitled "An Act to prohibit the importation and the use of opium for other than medicinal purposes," approved February 9, 1909, as amended, are amended to read as follows:

Definitions.

"That when used in this Act—

"Narcotic drug."

"(a) The term 'narcotic drug' means opium, coca leaves, cocaine, or any salt, derivative, or preparation of opium, coca leaves, or cocaine;

"United States."

"(b) The term 'United States', when used in a geographical sense, includes the several States and Territories, and the District of Columbia;

"Board."

"(c) The term 'board' means the Federal Narcotics Control Board established by section 2 of this Act; and

"Person."

"(d) The term 'person' means individual, partnership, corporation, or association.

Federal Narcotics Control Board. Composition, etc.

"SEC. 2. (a) That there is hereby established a board to be known as the 'Federal Narcotics Control Board' and to be composed of the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce. Except as otherwise provided in this Act or by other law, the administration of this Act is vested in the Department of the Treasury.

Importing narcotic drugs unlawful.

"(b) That it is unlawful to import or bring any narcotic drug into the United States or any territory under its control or jurisdiction; except that such amounts of crude opium and coca leaves as the board finds to be necessary to provide for medical and legitimate uses only, may be imported and brought into the United States or such territory under such regulations as the board shall prescribe. All narcotic drugs imported under such regulations shall be subject to the duties which are now or may hereafter be imposed upon such drugs when imported.

Opium, etc., for medical purposes, admitted under regulations.

"(c) That if any person fraudulently or knowingly imports or brings any narcotic drug into the United States or any territory under its control or jurisdiction, contrary to law, or assists in so doing, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of any such narcotic drug after being imported or brought in, knowing the same to have been imported contrary to law, such person shall upon conviction be fined not more than \$5,000 and imprisoned for not more than ten years.

Punishment for illegally importing, etc., narcotic drugs.

Illegal imports.

"(d) Any narcotic drug imported or brought into the United States or any territory under its control or jurisdiction, contrary to law, shall (1) if smoking opium or opium prepared for smoking, be seized and summarily forfeited to the United States Government without the necessity of instituting forfeiture proceedings of any

Summary forfeiture of smoking opium.

character; or (2), if any other narcotic drug, be seized and forfeited to the United States Government, without regard to its value, in the manner provided by sections 3075 and 3076 of the Revised Statutes, or the provisions of law hereafter enacted which are amendatory of, or in substitution for, such sections. Any narcotic drug which is forfeited in a proceeding for condemnation or not claimed under such sections, or which is summarily forfeited as provided in this subdivision, shall be placed in the custody of the board and in its discretion be destroyed or delivered to some agency of the United States Government for use for medical or scientific purposes.

Seizure and forfeiture proceedings for other narcotics.
R. S., secs. 3075, 3076, p. 590.

Destruction or delivery to United States agency.

"(e) Any alien who at any time after his entry is convicted under subdivision (c) shall, upon the termination of the imprisonment imposed by the court upon such conviction and upon warrant issued by the Secretary of Labor, be taken into custody and deported in accordance with the provisions of sections 19 and 20 of the Act of February 5, 1917, entitled 'An Act to regulate the immigration of aliens to, and the residence of aliens in, the United States,' or provisions of law hereafter enacted which are amendatory of, or in substitution for, such sections.

Deportation of aliens convicted of illegal importations, etc.

Vol. 39, pp. 889, 890.

"(f) Whenever on trial for a violation of subdivision (c) the defendant is shown to have or to have had possession of the narcotic drug, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant explains the possession to the satisfaction of the jury.

Possession evidence of violation.

"(g) The master of any vessel or other water craft, or a person in charge of a railroad car or other vehicle, shall not be liable under subdivision (c), if he satisfies the jury that he had no knowledge of and used due diligence to prevent the presence of the narcotic drug in or on such vessel, water craft, railroad car, or other vehicle; but the narcotic drug shall be seized, forfeited, and disposed of as provided in subdivision (d)."

Master of vessel, etc., not liable if unaware of presence of narcotic.

SEC. 2. That sections 5 and 6 of such Act of February 9, 1909, as amended, are amended to read as follows:

Vol. 38, p. 276, amended.

"SEC. 5. That no smoking opium or opium prepared for smoking shall be admitted into the United States or into any territory under its control or jurisdiction for transportation to another country, or be transferred or transhipped from one vessel to another vessel within any waters of the United States for immediate exportation or for any other purpose; and except with the approval of the board, no other narcotic drug may be so admitted, transferred, or transhipped.

Transshipment, etc., of smoking opium prohibited.

Restriction on other narcotics.

"SEC. 6. (a) That it shall be unlawful for any person subject to the jurisdiction of the United States Government to export or cause to be exported from the United States, or from territory under its control or jurisdiction, or from countries in which the United States exercises extraterritorial jurisdiction, any narcotic drug to any other country: *Provided*, That narcotic drugs (except smoking opium and opium prepared for smoking, the exportation of which is hereby absolutely prohibited) may be exported to a country only which has ratified and become a party to the convention and final protocol between the United States Government and other powers for the suppression of the abuses of opium and other drugs, commonly known as the International Opium Convention of 1912, and then only if (1) such country has instituted and maintains, in conformity with that convention, a system, which the board deems adequate, of permits or licenses for the control of imports of such narcotic drugs; (2) the narcotic drug is consigned to an authorized permittee; and (3) there is furnished to the board proof deemed adequate by it, that the narcotic drug is to be applied exclusively to medical and legitimate uses within the country to which exported, that it will not be reexported from such country, and that there is an actual shortage of and a

Exporting narcotics unlawful.

Provide.
Other than smoking opium allowed to parties to Opium Convention of 1912.
Vol. 38, p. 1912.

Restrictions.

demand for the narcotic drug for medical and legitimate uses within such country.

Copies of foreign laws, etc., to be procured.

"(b) The Secretary of State shall request all foreign Governments to communicate through the diplomatic channels copies of the laws and regulations promulgated in their respective countries which prohibit or regulate the importation and shipment in transit of any narcotic drug and, when received, advise the board thereof.

Publication of regulations.

"(c) The board shall make and publish all proper regulations to carry into effect the authority vested in it by this Act."

Vol. 38, p. 277, amended.

SEC. 3. That section 8 of such Act of February 9, 1909, as amended, is amended to read as follows:

Forfeiture of vessel if narcotic not on manifest or landed without permit.

"SEC. 8. (a) That a narcotic drug that is found upon a vessel arriving at a port of the United States or territory under its control or jurisdiction and is not shown upon the vessel's manifest, or that is landed from any such vessel without a permit first obtained from the collector of customs for that purpose, shall be seized, forfeited, and disposed of in the manner provided in subdivision (d) of section 2, and the master of the vessel shall be liable (1) if the narcotic drug is smoking opium, to a penalty of \$25 an ounce, and (2) if any other narcotic drug, to a penalty equal to the value of the narcotic drug.

Pecuniary liability of master.

Enforcement. Clearance withheld, etc.

"(b) Such penalty shall constitute a lien upon the vessel which may be enforced by proceedings by libel in rem. Clearance of the vessel from a port of the United States may be withheld until the penalty is paid, or until there is deposited with the collector of customs at the port, a bond in a penal sum double the amount of the penalty, with sureties approved by the collector, and conditioned on the payment of the penalty (or so much thereof as is not remitted by the Secretary of the Treasury) and of all costs and other expenses to the Government in proceedings for the recovery of the penalty, in case the master's application for remission of the penalty is denied in whole or in part by the Secretary of the Treasury.

Remission of penalties, etc.

"(c) The provisions of law for the mitigation and remission of penalties and forfeitures incurred for violations of the customs laws, shall apply to penalties incurred for a violation of the provisions of this section."

New section.

SEC. 4. That such Act of February 9, 1909, as amended, is amended by adding at the end thereof a new section to read as follows:

Title of Act.

"SEC. 9. That this Act may be cited as the 'Narcotic Drugs Import and Export Act.'"

Approved, May 26, 1922.

May 31, 1922.

[H. R. 10442.]

[Public, No. 223.]

CHAP. 203.—An Act To amend an Act entitled "An Act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an Act to amend said Act approved July 21, 1921.

Philippine Islands Government. Vol. 39, p. 543.

Ante, p. 145.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an Act entitled "An Act to amend an Act entitled 'An Act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands,'" approved July 21, 1921, be further amended as follows: