

Use of services, etc., of designated agencies.

Provisos.
Designated expenses deemed non-administrative.

Payment of administrative, etc., expenses.

48 Stat. 1256.
12 U. S. C. §§ 1725-1732.

Salaries limited to average rates under Classification Act.
5 U. S. C. §§ 661-674.

Proviso.
Restriction not applicable to clerical-mechanical service.
No reduction in fixed salary.
5 U. S. C. § 666.
Transfers without reduction.

Higher rates permitted.

If only one position in a grade.

Interstate Commerce Commission and Tariff Commission; salary rates of Commissioners.

Short title.

June 29, 1937
[H. J. Res. 361]
[Pub. Res., No. 47]

Emergency Relief Appropriation Act of 1937.

Continuation of relief and work relief appropriation for.

their repair and exchange; use of the services and facilities of the Federal Home Loan Bank Board, Federal home loan banks, Federal Reserve banks, and agencies of the Government as authorized by said title IV; and all other necessary administrative expenses: *Provided*, That all necessary expenses in connection with the liquidation of insured institutions under said title IV shall be considered as non-administrative expenses for the purposes hereof: *Provided further*, That, except for the limitations in amounts hereinbefore specified, and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Corporation shall be incurred, allowed, and paid in accordance with the provisions of said Act of June 27, 1934, as amended (U. S. C., title 12, secs. 1725-1732).

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

SEC. 3. During the fiscal year ending June 30, 1938, the salaries of the Commissioners of the Interstate Commerce Commission and the Commissioners of the United States Tariff Commission shall be at the rate of \$10,000 each per annum.

SEC. 4. This Act may be cited as the "Independent Offices Appropriation Act, 1938".

Approved, June 28, 1937.

[CHAPTER 401]

JOINT RESOLUTION

Making appropriations for relief purposes.

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

TITLE I

That in order to continue to provide relief, and work relief on useful public projects, in the United States and its Territories and possessions (including projects heretofore approved for the Works Progress Administration which projects shall not be subject to the limitations hereinafter specified in this section), there is hereby

appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until June 30, 1938, and to be used in the discretion and under the direction of the President, \$1,500,000,000 together with such unexpended balances, as the President may determine, of appropriations made by (a) the second paragraph of the Emergency Relief Appropriation Act of 1936, as supplemented by the First Deficiency Appropriation Act, fiscal year 1937, and (b) section 1 of the Emergency Relief Appropriation Act of 1935, including the unexpended balances of appropriations referred to therein: *Provided*, That this appropriation shall be available for the following classes of public projects, Federal and non-Federal, and the amounts to be used for each class shall not, except as hereinafter provided, exceed the respective amounts stated, namely: (a) Highways, roads, and streets, \$415,000,000; (b) public buildings, parks and other recreational facilities, including buildings therein, public utilities, electric transmission and distribution lines or systems to serve persons in rural areas including projects sponsored by and for the benefit of nonprofit and cooperative associations, sewer systems, water supply and purification, airports and other transportation facilities, flood control, conservation, eradication of insect pests, and miscellaneous work projects, \$630,000,000; (c) assistance for educational, professional, and self-help, and clerical persons and women's projects, \$380,000,000; and (d) National Youth Administration, \$75,000,000: *Provided further*, That no portion of the funds hereby appropriated shall be allocated or used for any purpose except to provide relief or work relief for persons in need: *Provided further*, That not to exceed 5 per centum of the amount allotted or used by any department or agency may be expended for administration of such relief or work relief; except that this provision shall not apply to allocations made to the General Accounting Office, the Department of Justice, the Treasury Department, the Employees' Compensation Commission, the United States Employment Service of the Department of Labor, the Bureau of Air Commerce of the Department of Commerce, the National Emergency Council, the Resettlement Administration or to the Prison Industries Reorganization Administration, for administrative expenses in performing functions for or on behalf of the relief or work-relief program: *Provided further*, That the amount specified for any of the foregoing classes may be increased proportionately in accordance with the amount of such unexpended balances as the President transfers for the purposes of this section from the appropriations made by (a) the Emergency Relief Appropriation Act of 1935 and (b) the Emergency Relief Appropriation Act of 1936, as supplemented: *Provided further*, That the amount specified for any of the foregoing classes may be increased by not to exceed 15 per centum thereof by transfer of an amount or amounts from any other class or classes in order to effectuate the purposes of the foregoing appropriation: *Provided*, That no Federal construction project shall be undertaken or prosecuted under this appropriation unless and until there shall have been allocated and irrevocably set aside Federal funds sufficient for its completion; and no non-Federal project shall be undertaken or prosecuted under this appropriation unless and until the sponsor has made a written agreement to finance such part of the entire cost thereof as is not to be supplied from Federal funds. This appropriation shall be available for expenditure by the Resettlement Administration for such loans, relief, and rural rehabilitation for needy persons as the President may determine, including such cost of administration as the President may direct: *Provided*, That no person employed on work projects and certified as in need

Balances reappropriated.
49 Stat. 1608.
Ante, p. 10.
49 Stat. 115.

Provisos.
Classes of projects;
amounts.

Use restricted.

Amount for administration.

Exceptions.

Proportionate increases permitted; use of balances.

49 Stat. 115, 1608.

Interchange of funds.

Work forbidden unless sum for completion allocated.

Non-Federal projects.

Expenditure for loans, relief, etc.

Refusal of private employment offer.

Expiration of private employment.

Apportionment and distribution to cover total amount for year.

Rules and regulations.

Provisos. Prevailing rates of pay.

Voluntary and uncompensated services.

Employing needy not heretofore listed.

Restriction on employment.

Restoration to rolls where separation not due to fault of enrollee, etc.

Adjusted compensation not considered in determining need of employment.

Employment of illegally entered, etc., aliens on projects, restriction.

of relief who refuses a bona-fide offer of private employment under reasonable working conditions which pays as much or more in compensation for the same length of service as such person receives or could receive under this appropriation and who is capable of performing such work, shall be retained in employment under this appropriation for the period such private employment would be available: *Provided further*, That any person who takes such private employment shall at the expiration thereof be entitled to immediate resumption of his previous employment status under this appropriation if he is still in need of relief and if he has lost the private employment through no fault of his own.

The funds herein appropriated shall be so apportioned and distributed over the twelve months of the fiscal year ending June 30, 1938, and shall be so administered during such fiscal year, as to constitute the total amount that will be furnished during such fiscal year for relief purposes.

SEC. 2. In carrying out the purposes of the foregoing appropriation the President is authorized (a) to prescribe such rules and regulations as may be necessary and to utilize agencies within the Government and to empower such agencies to prescribe rules and regulations to carry out the functions delegated thereto by the President: *Provided*, That the rates of pay for persons engaged upon projects under the foregoing appropriation shall be not less than the prevailing rates of pay for work of a similar nature in the same locality as determined by the Works Progress Administration with the approval of the President; and (b) to accept and utilize voluntary and uncompensated services, and utilize, with the consent of the State, such State and local officers and employees as may be necessary, and prescribe their authorities, duties, and responsibilities: *Provided, however*, That in the employment of persons, applicants in actual need whose names have not heretofore been placed on relief rolls shall be given the same eligibility for employment as applicants whose names have heretofore appeared on such rolls: *Provided further*, That in order to insure the fulfillment of the purposes for which the foregoing appropriation is made and to avoid competition between the Works Progress Administration and other Federal or non-Federal agencies in the employment of labor on construction projects of any nature whatsoever, financed in whole or in part by the Federal Government, no relief worker shall be eligible for employment on any project of the Works Progress Administration who has refused to accept employment on any other Federal or non-Federal project at a wage rate comparable with or higher than the wage rate established for similar work on projects of the Works Progress Administration: *Provided further*, That any relief worker who has been engaged on any Federal or non-Federal project and whose service has been regularly terminated through no fault of his own shall not lose his eligibility for restoration to the relief rolls or for reemployment on any other Federal or non-Federal project on account of such previous employment: *Provided further*, That the fact that a person is entitled to or has received either adjusted-service bonds or a Treasury check in payment of an adjusted-compensation certificate shall not be considered in determining actual need of such employment.

SEC. 3. The departments, agencies, or establishments having supervision of projects for which funds from the foregoing appropriation are made available shall not knowingly employ on such projects aliens illegally within the limits of the United States or aliens who have not filed declaration of intention to become citizens, and they shall

make every reasonable effort consistent with prompt employment of the destitute unemployed to see that such aliens are not employed, and if employed and their status as such alien is disclosed they shall thereupon be discharged: *Provided*, That preference shall be given to American citizens who are in need of relief in employment by the Works Progress Administration and next those aliens who are in need of relief and who have declared their intention to become citizens prior to the enactment of this joint resolution: *Provided further*, That veterans of the World War and Spanish War who are in need of relief shall be given preference for employment by the Works Progress Administration.

SEC. 4. Any Administrator or other officer named to have general supervision at the seat of government over the program and work contemplated under the foregoing appropriation and receiving a salary of \$5,000 or more per annum from such appropriation, and any State or regional administrator receiving a salary of \$5,000 or more per annum from such appropriation shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the provisions of section 1761 of the Revised Statutes shall not apply to any such appointee and the salary of any person so appointed shall not be increased for a period of six months after confirmation.

SEC. 5. Appointments to Federal positions of an administrative or advisory capacity under the foregoing appropriation in any State shall be made from among the bona-fide citizens of that State so far as not inconsistent with efficient administration.

So far as not inconsistent with efficient administration no part of the sums appropriated by this joint resolution shall be available to pay the compensation of any officer or employee of the United States who holds an administrative, executive, or supervisory position under this joint resolution, if the position is in any office located outside the District of Columbia or is on any project prosecuted in any place outside the District of Columbia, unless such person is an actual and bona-fide citizen of the State, Territory, region, or district in which the office or project is situated, but this provision shall not apply to the temporary and emergency assignment of any person to a position where the period of service in such position does not exceed sixty days.

SEC. 6. No part of the foregoing appropriation shall be used to pay the salary or expenses of any person who is a candidate for any State, district, county, or municipal office (such office requiring full time of such person and to which office a salary or per diem attaches), in any primary, general, or special election, or who is serving as a campaign manager or assistant thereto for any such candidate.

SEC. 7. Hereafter, so far as not inconsistent with efficient administration, all appointments of persons to the Federal Service for employment within the District of Columbia, under the provisions of this joint resolution, whether such appointments be within the classified Civil Service or otherwise, shall be apportioned among the several States and the District of Columbia upon the basis of population as ascertained at the last preceding census.

In making separations from the Federal Service, or furloughs without pay to last as long as three months, of persons employed within the District of Columbia, under the provisions of this joint resolution the appointing power shall give preference, as nearly as good administration will warrant, in retention to appointees from States that have not received their share of appointments according

Provisos.
Preference to be given citizens, etc.

World War and Spanish War veterans.

Administrators, general supervisors; appointment, etc.

Proviso.
Recess appointments.
R. S. § 1761.
5 U. S. C. § 56.

Federal administrative, etc., positions in States; appointments.

Requirements.

Candidate for State, etc., office or campaign manager, pay restriction.

Apportionment of appointments.

Preferential retention of appointees according to State population.

Proviso.
Soldiers, sailors, and marines, etc., preferential status.

Disability or death compensation, persons entitled to; exceptions. 48 Stat. 351.

National Youth Administration.

Provisos.
Limitation.

Special fund created.

Availability.

Cases within purview of State, etc., workmen's compensation laws.

Administrative, etc., expenses.

Establishment of special funds for materials, supplies, etc.

Proviso.
Flood control, etc., projects, certain construction provisions waived.

Minor purchases. R. S. § 3709. 41 U. S. C. § 5.

False statements with intent to defraud, etc.

to population: *Provided, however,* That soldiers, sailors, and marines, the widows of such, or the wives of injured soldiers, sailors, and marines, who themselves are not qualified, but whose wives are qualified to hold a position in the Government Service, shall be given preference in retention, in their several grades and classes, where their ratings are good or better.

SEC. 8. The provisions of the Act of February 15, 1934 (48 Stat. 351), relating to disability or death compensation and benefits shall apply to persons (except administrative employees qualifying as civil employees of the United States) receiving compensation from the foregoing appropriation for services rendered as employees of the United States and to persons receiving assistance in the form of payments from the United States for services rendered under the National Youth Administration created by Executive order of June 26, 1935: *Provided,* That hereafter the monthly compensation in any individual case heretofore or hereafter coming within the purview of said Act of February 15, 1934, shall not exceed the rate of \$30, exclusive of medical costs: *Provided further,* That so much of the foregoing appropriation as the United States Employees' Compensation Commission, with the approval of the Director of the Bureau of the Budget, estimates and certifies to the Secretary of the Treasury will be necessary for the payment of such compensation and administrative expenses shall be set aside in a special fund to be administered by the Commission for such purposes; and after June 30, 1938, such special fund shall be available for such purposes annually in such amounts as may be specified therefor in the annual appropriation Acts: *Provided further,* That this section shall not apply in any case coming within the purview of the workmen's compensation law of any State or Territory, or in which the claimant has received or is entitled to receive similar benefits for injury or death.

SEC. 9. Subject to the limitations of section 1 of this joint resolution so much of the foregoing appropriation as may be determined by the President to be necessary for administrative expenses of any department, establishment, or agency of the United States for additional work incident to carrying out the purposes of such appropriation or the provisions of section 5 of the Emergency Relief Appropriation Act of 1935, or as may be necessary for administrative expenses of the National Resources Committee, may be allotted therefor by the President, and the funds so allotted shall be available until June 30, 1938, for expenditure in the discretion of the President for the purposes and in accordance with the provisions of the first paragraph of section 3 of said Act.

SEC. 10. In carrying out the purpose of the foregoing appropriation the President is authorized to prescribe rules and regulations for the establishment of special funds in the nature of revolving funds for use, until June 30, 1938, in the purchase, repair, distribution, or rental of materials, supplies, equipment, and tools: *Provided,* That the requirement in section 1 hereof that no Federal construction project shall be undertaken unless and until there have been allocated and irrevocably set aside sufficient funds for its completion shall not apply to flood-control and water-conservation projects authorized by other law and prosecuted hereunder.

SEC. 11. The provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) shall not apply to any purchase made or service procured in connection with the foregoing appropriation when the aggregate amount involved is less than \$300.

SEC. 12. Any person who knowingly and with intent to defraud the United States makes any false statement in connection with any application for any project, employment, or relief aid under the fore-

going appropriation, or diverts, or attempts to divert or assists in diverting, for the benefit of any person or persons not entitled thereto, any portion of such appropriation, or any services or real or personal property acquired thereunder, or who knowingly, by means of any fraud, force, threat, intimidation, or boycott, or discrimination on account of race, religion, or political affiliations, deprives any person of any of the benefits to which he may be entitled under such appropriation, or attempts so to do, or assists in so doing, shall be deemed guilty of a misdemeanor and fined not more than \$2,000 or imprisoned not more than one year, or both.

SEC. 13. The Works Progress Administrator is hereby authorized and directed to liquidate and wind up the affairs of the Federal Emergency Relief Administration established under the Act of May 12, 1933, as amended, and funds available to said Federal Emergency Relief Administration shall be available for expenditure for such purpose until June 30, 1938.

SEC. 14. A report of the operations under the foregoing appropriation, including a statement of the expenditures made and obligations incurred by classes and amounts, shall be submitted by the President to Congress before the 15th day of January in each of the next two regular sessions of Congress.

SEC. 15. No part of the funds made available in this joint resolution shall be loaned or granted, except pursuant to an obligation incurred prior to the date of the enactment of this joint resolution, to any State, or any of its political subdivisions or agencies, for the purpose of carrying out or assisting in carrying out any program or project of constructing, rebuilding, repairing, or replanning its penal or reformatory institutions, unless the President shall find that the projects to be financed with such loan or grant will not cause or promote competition of the products of convict labor with the products of free labor.

SEC. 16. Title I of this joint resolution may be cited as the "Emergency Relief Appropriation Act of 1937".

TITLE II

SEC. 201. The Federal Emergency Administration of Public Works (herein called the "Administration") is hereby continued until July 1, 1939, and until such date is hereby authorized to continue to perform all functions which it is authorized to perform on June 29, 1937. All provisions of law existing on June 29, 1937, and relating to the availability of funds for carrying out any of the functions of such Administration are hereby continued until July 1, 1939, except that the date specified in the Emergency Relief Appropriation Act of 1936, prior to which, in the determination of the Federal Emergency Administrator of Public Works (herein called the "Administrator"), a project can be substantially completed is hereby changed from "July 1, 1938" to "July 1, 1939".

SEC. 202. The amount which the Reconstruction Finance Corporation is authorized by existing law to have invested at any one time in securities purchased from the Administration is hereby increased from \$250,000,000 to \$400,000,000.

SEC. 203. The amount of funds which the Administrator, upon direction of the President, is authorized to use for grants from moneys realized from the sale of securities is hereby increased from \$300,000,000 to \$359,000,000; and after the date of the enactment of this joint resolution no allotment shall be made by the Administrator for any project the application for which has not been approved by the examining divisions of the Administration prior to such date.

Punishment for.

Federal Emergency Relief Administration, liquidation.
48 Stat. 55.
15 U. S. C. §§ 721-728.

Report of operations to Congress.

Restriction on use of funds.

Short title.

Public Works Administration Extension Act of 1937.
48 Stat. 200.

Reconstruction Finance Corporation, investment in securities increased.

Amount authorized for grants increased.

Appropriation for administrative expenses increased. *Ante*, p. 351.

Availability of funds for projects designated.

Provisos. Conditions for making allotments.

Grant not to exceed amount earmarked.

Increase by transfer permitted.

Non-Federal projects, new loans forbidden.

Short title.

June 29, 1937
[H. J. Res. 375]
[Pub. Res., No. 48]
Revenue Act of 1932.
Certain excise and miscellaneous taxes continued.
47 Stat. 259, 270-276;
49 Stat. 431.
Postage rates.
47 Stat. 285; 48 Stat. 254.
Gasoline tax.

SEC. 204. The paragraph in the Independent Offices Appropriation Act, 1938, under the caption "Federal Emergency Administration of Public Works" is hereby amended by (a) striking out the words "in connection with the liquidation" and (b) striking out the sum of "\$10,000,000" and inserting in lieu thereof the sum of "\$15,000,000".

SEC. 205. The funds available to the Administrator for the making of loans or grants or loans and grants may be used for projects (in addition to other purposes for which funds may be used) of the following classes, in amounts not to exceed the sums specified for each such class: (a) For school projects (other than those included in subdivisions (b) and (c) of this section) to replace, eliminate, or ameliorate existing school facilities or conditions which, in the determination of the Administrator, are hazardous to the life, safety, or health of school children, \$60,000,000 for grants and \$11,000,000 for loans; (b) for projects which have been authorized, or for the financing of which bonds or other obligations have been authorized, at elections held prior to the date of enactment of this joint resolution, or for projects for which an authority or board constituting an independent corporation without taxing power has been specifically created by a State legislature prior to such date, \$70,000,000 for grants and \$22,000,000 for loans; (c) for projects for which appropriations have been made by the legislatures of the States, \$15,000,000 for grants and \$2,000,000 for loans; (d) for projects to be financed, except for the grant, by the issuance to contractors of tax or assessment securities at not less than their par value: *Provided*, That an allotment shall not be made for any such project unless the applicant has, in the determination of the Administrator, made or incurred substantial expenditures or obligations in contemplation of receiving an allotment, \$5,000,000 for grants; (e) for projects for which funds have been tentatively earmarked by the Administrator but for which formal allotments have not been made, \$54,000,000 for grants and \$78,000,000 for loans: *Provided*, That the grant for any such project shall not exceed the amount tentatively earmarked as a grant for such project: *Provided further*, That the amount specified for any of the foregoing classes may be increased by not to exceed 15 per centum thereof by transferring an amount or amounts from any other class or classes in order to effectuate the purposes of the title.

SEC. 206. No new applications for loans or grants for non-Federal projects shall be received or considered by the Administration after the date of enactment of this joint resolution.

SEC. 207. Title II of this joint resolution may be cited as the "Public Works Administration Extension Act of 1937".

Approved, June 29, 1937, 11 p. m.

[CHAPTER 402]

JOINT RESOLUTION

To provide revenue, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV, as amended, and parts I, II, III, and IV, of title V, as amended, of the Revenue Act of 1932, are further amended by striking out "1937" wherever appearing therein and inserting in lieu thereof "1939". Section 1001 (a), as amended, of the Revenue Act of 1932, and section 2, as amended, of the Act entitled "An Act to extend the gasoline tax for one year, to modify postage rates on mail matter, and for other purposes", approved June 16, 1933, are further amended by striking out "1937" wherever appearing therein and inserting in lieu thereof "1939".

Approved, June 29, 1937, 10 p. m.