

48 Stat. 903.  
15 U. S. C. § 78cc.  
Validity of designated contracts.

*Ante*, p. 1075.

Time limitation.

48 Stat. 904; 49 Stat. 1380.  
15 U. S. C. § 78ff; Supp. III, § 78ff.  
Penalties, etc.  
Section inapplicable to violations of designated rules; exception.  
*Ante*, p. 1075.

Accounts and records, etc.; requirements.  
48 Stat. 897; 49 Stat. 1379.  
15 U. S. C. § 78g; Supp. III, § 78g.

SEC. 3. Subsection (b) of section 29 of such Act is amended by inserting before the period at the end thereof a colon and the following: "*Provided*, (A) That no contract shall be void by reason of this subsection because of any violation of any rule or regulation prescribed pursuant to paragraph (2) or (3) of subsection (c) of section 15 of this title, and (B) that no contract shall be deemed to be void by reason of this subsection in any action maintained in reliance upon this subsection, by any person to or for whom any broker or dealer sells, or from or for whom any broker or dealer purchases, a security in violation of any rule or regulation prescribed pursuant to paragraph (1) of subsection (c) of section 15 of this title, unless such action is brought within one year after the discovery that such sale or purchase involves such violation and within three years after such violation".

SEC. 4. Section 32 of such Act, as amended, is amended by adding at the end thereof the following new subsection:

"(c) The provisions of this section shall not apply in the case of any violation of any rule or regulation prescribed pursuant to paragraph (3) of subsection (c) of section 15 of this title, except a violation which consists of making, or causing to be made, any statement in any report or document required to be filed under any such rule or regulation, which statement was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact."

SEC. 5. Subsection (a) of section 17 of such Act, as amended, is amended by inserting immediately after the words "every broker or dealer who transacts a business in securities through the medium of any such member," the words "every registered securities association,".

Approved, June 25, 1938.

[CHAPTER 678]

AN ACT

Extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes.

June 25, 1938  
[H. R. 1531]  
[Public, No. 720]

Postal Service.  
Postmasters of the first, second, and third classes.  
Appointment in classified service without term.  
*Proviso*.  
Status of present incumbents.

Manner of appointment.

Classification, non-competitively.  
Promotion.  
Competitive examination.

Residence requirement.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That postmasters of the first, second, and third classes shall hereafter be appointed in the classified service without term by the President by and with the advice and consent of the Senate: *Provided*, That postmasters now serving may continue to serve until the end of their terms, but they shall not acquire a classified civil service status at the expiration of such terms of office except as provided in Section 2 hereof.

SEC. 2. Appointments to positions of postmaster at first-, second-, and third-class post offices shall be made by the reappointment and classification, non-competitively, of the incumbent postmaster, or by promotion from within the Postal Service in accordance with the provisions of the Civil Service Act and Rules, or by competitive examination, in accordance with the provisions of the Civil Service Act and Rules. No person shall be eligible for appointment under this section unless such person has actually resided within the delivery of the office to which he is appointed, or within the city or town where the same is situated for one year next preceding the date of such appointment, if the appointment is made without competitive examination; or for one year preceding the date fixed for the close of receipt of applications for examination, if the appointment is made after competitive examination.

SEC. 3. Appointments of acting postmasters in all classes of post offices shall be made by the Postmaster General: *Provided*, That acting postmasters shall serve not to exceed six months from the date of their designation, except that the Postmaster General may extend the period of service of any acting postmaster beyond such six months' period with the permission of the Civil Service Commission.

Acting postmasters, appointments by Postmaster General. *Proviso.* Service limitation.

SEC. 4. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Inconsistent laws repealed.

Approved, June 25, 1938.

[CHAPTER 679]

AN ACT

To amend certain administrative provisions of the Tariff Act of 1930, and for other purposes.

June 25, 1938  
[H. R. 8099]  
[Public, No. 721]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "Customs Administrative Act of 1938".

Customs Administrative Act of 1938.

SEC. 2. Sections 1, 201, 401 (k), 557, and 562 of the Tariff Act of 1930 (U. S. C., 1934 edition, title 19, secs. 1001, 1201, 1401 (k), 1557, and 1562) and section 401 (a) of the Anti-Smuggling Act (U. S. C., 1934 edition, Supp. III, title 19, sec. 1709 (a)) are hereby amended by inserting "Wake Island, Midway Islands, Kingman Reef," before the words "and the island of Guam" and before the words "or the island of Guam" wherever such words appear in each such section.

Areas excluded from territory in which tariff laws are applicable.  
46 Stat. 590, 672, 708, 744, 745.  
19 U. S. C. §§ 1001, 1201, 1401 (k), 1557, 1562; Supp. III, § 1201.  
49 Stat. 529.  
19 U. S. C., Supp. III, § 1709 (a).  
46 Stat. 687.  
19 U. S. C. § 1304.

SEC. 3. Section 304 of the Tariff Act of 1930 (U. S. C., 1934 edition, title 19, sec. 1304) is hereby amended to read as follows:

"SEC. 304. MARKING OF IMPORTED ARTICLES AND CONTAINERS.

Marking of imported articles and containers.  
English name of country of origin.

"(a) MARKING OF ARTICLES.—Except as hereinafter provided, every article of foreign origin (or its container, as provided in subsection (b) hereof) imported into the United States shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or container) will permit in such manner as to indicate to an ultimate purchaser in the United States the English name of the country of origin of the article. The Secretary of the Treasury may by regulations—

Regulations by Secretary of the Treasury.

"(1) Determine the character of words and phrases or abbreviations thereof which shall be acceptable as indicating the country of origin and prescribe any reasonable method of marking, whether by printing, stenciling, stamping, branding, labeling, or by any other reasonable method, and a conspicuous place on the article (or container) where the marking shall appear;

Character of words and abbreviations, marking methods, etc.

"(2) Require the addition of any other words or symbols which may be appropriate to prevent deception or mistake as to the origin of the article or as to the origin of any other article with which such imported article is usually combined subsequent to importation but before delivery to an ultimate purchaser; and

Addition of words, etc., to prevent deception or mistake.

"(3) Authorize the exception of any article from the requirements of marking if—

Exceptions from marking requirements.

"(A) Such article is incapable of being marked;

"(B) Such article cannot be marked prior to shipment to the United States without injury;

"(C) Such article cannot be marked prior to shipment to the United States, except at an expense economically prohibitive of its importation;

"(D) The marking of a container of such article will reasonably indicate the origin of such article;